OUTGOING TELEGRAM
DEPARTMENT OF STATE

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EUR/P:WJGEHRON:SS
9/26/72 X22118
EUR/P:ESAVAGE

S/PRS - MR. KING

EUR/CE - MR. SKOUG

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ROUTINE BERLIN, BONN, LONDON, PARIS, MOSCOW

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SUBJECT: EUGENE K. BIRD MANUSCRIPT ON HESS

FOLLOWING ARE PERTINENT Q'S AND A'S NOON BRIEFING SEPTEMBER 26 RE ABOVE SUBJECT:

Q: A ROME NEWSPAPER REPORTED TODAY THAT U.S. COLONEL EUGENE BIRD, FOR TEN YEARS COMMANDER OF THE PRISON IN SPANDAU, WROTE A BOOK ABOUT RUDOLPH HESS, AFTER CONTACTING HESS SEVERAL TIMES IN THE PRISON. AND ACCORDING TO THIS REPORT THE STATE DEPARTMENT HAS FORBIDDEN THE PUBLICATION OF THIS BOOK AND COLONEL BIRD RETIRED. CAN YOU CONFIRM THIS STORY?

A: YES. THAT ONE HAS BEEN BOUNCING AROUND FOR A NUMBER OF DAYS NOW.

THE FACTS ARE THAT A GENTLEMAN BY THE NAME OF EUGENE K. BIRD WAS THE U.S. DIRECTOR OF SPANDAU PRISON FROM 1964 UNTIL HIS RESIGNATION ON APRIL 26 OF THIS YEAR. FROM '64 TO '66 HE WAS ON ACTIVE DUTY AS A LIEUTENANT COLONEL, UNITED STATES ARMY, AND FROM '66 THROUGH HIS RETIREMENT, I# HIS RESIGNATION, HE WAS A DEPARTMENT OF THE ARMY CIVILIAN. HIS RESIGNATION WAS VOLUNTARY.

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WHILE SERVING AS THE U.S. DIRECTOR -- AND AS YOU KNOW THERE ARE ALSO BRITISH, FRENCH AND SOVIET DIRECTORS WHO SERVE ON

A ROTATING MONTHLY BASIS -- MR. BIRD DID PREPARE A MANUSCRIPT ON MATTERS INVOLVING SPANDAU AND RUDOLPH HESS, WHICH CAME TO OUR ATTENTION WHEN WE WERE INFORMED THAT A BRITISH TELEVISION NETWORK IN LONDON HAD ACQUIRED TAPES CONTAINING THE VOICE OF RUDOLPH HESS. SINCE THIS VIOLATED QUADRIPARTITELY-AGREED REGULATIONS -- THAT IS AGREED REGULATIONS AMONG THE FOUR POWERS -- AN INVESTIGATION WAS MADE AND IT WAS SUBSEQUENTLY DETERMINED THAT MR. BIRD HAD, SINCE 1964, BEEN COMPILING A MANUSCRIPT INTENDED FOR PUBLICATION, AND THAT THE TAPES IN QUESTION HAD BEEN MADE IN THIS CONNECTION.

MR. BIRD WAS AWARE OF REGULATIONS WHICH PRI‡OVIDE THAT NEITHER STAFF NOR EMPLOYEES MAY GAIN ADVANTAGE IN ANY WAY FROM THEIR OFFICIAL POSITION AT SPANDAU, NOR EMPLOY THE SERVICES OF PRISONERS FOR THEIR OWN PRIVATE PURPOSES. AND MR. BIRD SIGNED A WRITTEN DECLARATION AT THE OUTSET OF HIS DUTIES IN '64 ACKNOWLEDGING THAT E‡ HE WOULD ABIDE BY THESE REGULATIONS.

INDEED, BY THE NATURE OF HIS POI‡SITION, HE WAS RESPONSIBLE FOR THEIR CO‡‡ ENFORCEMENT.

INVESTIGATION ALSO REVEALED THAT MR. BIRD USED OTHER CLASSIFIED INFORMATION AVAILABLE TO HIM IN THE PREPARATION OF HIS MANUSCRIPT. INVESTIGATIVE AUTHORITIES REQUESTED HIM PRIOR TO HIS RESIGNATION, TO RETURN TO AMERICAN AUTHORITIES THE MANUSCRIPT, TAPES AND OTHER MATERIALS WHICH HE HAD BEEN COMPILING.

HE DID NOT FORMALLY REQUEST PERMISSION THROUGH ESTABLISHED PROCEDURES PRIOR TO HIS RESIGNATION TO PUBLISH HIS MANUSCRIPT. IF A REQUEST WERE NOW MADE, OBVIOUSLY THE MANUSCRIPT WOULD BE REVIEWED. BUT THERE ARE SPECIAL CONSIDERATIONS WHICH WOULD HAVE TO BE TAKEN INTO ACCOUNT, SUCH AS THE FACT THAT THE MANUSCRIPT APPARENTLY DRAWS DIRECTLY ON CLASSIFIED MATERIAL, CONCERNS DISCLOSURE OF MATERIAL GOVERNED BY QUADRIPARTITE REGULATIONS WHICH WAS OBTAINED IN A MANNER THAT IS NOT IN COMPLIANCE WITH THOSE REGULATIONS.

Q: DID HE RETURN THIS MANUSCRIPT, THE TAPES AND THE NOTES ON HIS BOOK?

A: I ASSUME SO BUT LET ME CHECK THAT. (DEPARTMENT SPOKESMAN LATER INFORMED CORRESPONDENTS THAT WE ASKED FOR EVERYTHING AND WE ASSUME HE GAVE US EVERYTHING).

Q: DOES THAT SHOW A DISPOSITION OF THE CASE?

A: I THINK IT SHOWS YOU THE PRESENT STATUS OF THE CASE. HE HAS RESIGNED AS OF APRIL 26. WE DO NOT HAVE FROM HIM A REQUEST TO PUBLISH.

Q: IS HE OPEN TO PROSECUTION IN ANY WAY?

A: I WILL TAKE THAT QUESTION. (DEPARTMENT SPOKESMAN LATER SAID THAT BIRD WOULD PROBABLY NOT BE PROSECUTED, SINCE THERE HAD BEEN NO ACTUAL PUBLICATION OF MATERIAL, BUT HE WAS NOT CERTAIN).

Q: DO YOU HAPPEN TO KNOW WHETHER HE HAS A CONTRACT TO PUBLISH WITH A PUBLISHER?

A: I DON'T KNOW.

~~Q: IS~~ THE GOVERNMENT TAKEIN

Q: IS THE GOVERNMENT TAKING ACTION AGAINST HIM?

A: NO, NOT AT THIS TIME.

Q: DID INVESTIGATION PRECEDE OR L‡ FOLLOW HIS VOLUNTARY RESIGNATION?

A: IT PRECEDED.

Q: WOULD YOU RELATE THE TWO?

A: I WOULD SIMPLY NOTE FOR YOU THAT HIS RESIGNATION WAS VOLUNTARY, AS I SAID EARLIER.

Q: IS IT A GOOD BOOK?

A: A LITTLE ON THE HEAVY SIDE.

Q: CAN YOU JIVE US A CAPSULE OF WHAT THE BOOK WAS ABOUT AND HOW LONG IT WAS, APPROXIMATELY?

A: I HAVE GIVEN YOU EVERYTHING I KNOW. I WILL TAKE YOUR QUESTION. (DEPARTMENT SPOKESMAN LATER CALLED MANUSCRIPT "BULKY").

Q: FRANKLY, WHY IS THE STATE DEPARM‡TMENT HANDLING THIS?

A: FRANKLY, BECAUSE THE PRINCIPAL POINT OF CONCERN ARE

THE AGREED FOUR POWER RIGHTS, RESPONSIBILITIES AND OBLIGATIONS HERE.

Q: HAVE THE OTHER GOVERNMENTS INVOLVED ASKED THAT WE MOVE AGAINST HIM?

A: NO, I DON'T BELIEVE SO. THE OTHER GOVERNMENTS INVOLVED HAVE BEEN INFORMED OF THE FACTS OF THE MATTER.

Q: SHOULD HE AT THIS POINT ATTEMPT TO PUBLISH A MANUSCRIPT WHICH WOULD CONTAIN THE INFORMATION THAT YOU DESCRIBED AS CLASSIFIED, WOULD THE GOVERNMENT GO TO COURT AS IT DID IN SIMILAR CASES INVOLVING INTELLIGENCE PEOPLE?

A: LET'S SEE WHETHER WE HAVE THE MANUSCRIPTS IN HAND FIRST. I'M SORRY I DON'T HAVE THAT RATHER OBVIOUS FACT FOR YOU.

Q: DOES THE INFORMATION YOU HAVE SHOW ANYTHING ABOUT THE NATURE OF THE TAPES? ARE THESE INTERVIEWS CONDUCTED BY BIRD WITH RUDOLPH HESS?

A: THAT APPEARS TO BE THE CASE, SINCE THE TAPES CONTAIN RUDOLPH HESS'S VOICE.

Q: DOES IT GIVE THE NUMBER OF TAPES -- ANYTHING ABOUT THE VOLUME?

A: NO.

Q: YOU SAY YOU LEARNED THAT A BRITISH TV NETWORK HAD OBTAINED TAPES CONTAINING THE VOICE OF HESS. HAVE THEY AGREED NOT TO USE THESE? AND WHERE ARE THOSE TAPES?

A: I WILL TAKE YOUR QUESTION. (LATER RESPONSE TO TIS### THIS QUESTION WAS HA### THAT WE ASSUMED THESE TAPES WERE AMONG THOSE TURNED OVER BY BIRD. IN SO FAR AS WE ARE AWARE THEY WERE NEVER USED).

Q: DOES BIRD SPEAK THE GERMAN LANGUAGE?

A: I WILL TAKE THE QUESTION. (LATER RESPONSE WAS YES).

Q: IS HE RECEIVING A PENSION OR RETIREMENT PAY OF SME### SOME KIND?

A: DEFENSE MIGHT KNOW. I DON'T KNOW OFFHAND.

Q: DO WE KNOW IF THE BRITISH PAID HIM FOR THESE TAPES?

A: I DON T KNOW.

Q: DO YOU KNOW WHAT BRITISH NETWORK IT WAS?

A: ID** I DON'T KNOW.

Q: HAVE WE ASKED THE BRITISH GOVERNMENT TO TRY TO RETRIEVE THE TAPES FROM THE TV NETWORK?

A: I DON'T KNOW. (SEE PREVIOUS RESPONSE TO QUS*ESTION ABOUT BRITISH TV NETWORK). YY